

RD-29,328

S.N. 10/064,152

REMARKS

The Office action dated March 16, 2004 and the cited reference have been carefully considered.

Status of the Claims

Claims 1-38 are pending in the current prosecution. Claims 1-10, 14-17, 19-23, 25-27, 30-32, and 36-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Soileau et al. (U.S. Patent 4,601,753; hereinafter "Soileau"). The Applicants respectfully traverse all of these rejections for the reasons set forth below.

The Applicants wish to thank the Examiner for indicating that claims 11-13, 18, 24, 28, 29, and 33-35 would be allowable if rewritten in independent form. Claims 11, 18, and 24 are amended to include all of the limitations of the base claim and any intervening claims, and are now independent claims. Claims 12 and 13 depend upon claim 11 and include only the limitations of claim 11. Claims 28, and 33-35 depend upon claim 24 and include only the limitations of claim 24. Claim 29 depends upon claim 28 and includes the limitations of claims 24 and 28. Therefore, claims 11-13, 18, 24, 28, 29, and 33-35 are now in condition for allowance. Early allowance of these claims is respectfully requested.

Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1-10, 14-17, 19-23, 25-27, 30-32, and 36-38 are rejected under 35 U.S.C. § 102(b) as being anticipated by Soileau. The Applicants respectfully traverse this rejection because Soileau does not disclose the present invention as recited in claims 1-10, 14-17, 19-23, 25-27, 30-32, and 36-38.

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"Anticipation requires the presence in a single prior art reference disclosure each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (emphasis added). As an application of the legal requirements of anticipation, if the claim recites a device with a structure, the prior art device must possess the same structure and not merely the functional characteristics of the claimed device. See; e.g., *In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990).

Soileau discloses iron particles having a coating of an inorganic alkali metal silicate and an overcoating of a high temperature polymer (column 2, lines 53-66; column 4, lines 42-46; and Claim 1). Soileau's selection of the polymer is based on the consideration that the polymer is capable of withstanding high temperatures without decomposing into residues (column 4, lines 42-46). Soileau further discloses that the inorganic alkali metal silicate coating makes up 70% to 85% of the total coating, the balance being provided by the polymer (column 5, lines 38-40). Thus, Soileau does not disclose the coating composition recited in instant claims 1-10, 14-17, 19-23, 25-27, 30-32, and 36-38, either expressly or inherently.

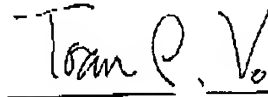
Since Soileau does not disclose each and every element of claims 1-10, 14-17, 19-23, 25-27, 30-32, and 36-38, as arranged in the claims, Soileau does not anticipate these claims.

In view of the above, it is submitted that the claims are patentable and in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims at an early date is solicited.

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Respectfully submitted,

A handwritten signature in black ink, reading "Toan P. Vo". The signature is written in a cursive style with a horizontal line underneath.

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